

Legal Alert

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Status of the CBD in 2024 - summary

The hemp market includes food products, cosmetic products, but also pharmaceutical raw materials or products for animals. What should an entity that wants to place products with hemp ingredients on the market pay attention to? Below is a brief summary of the current situation.

The status of foods with CBD is still unclear

Due to the information published in the non-binding Novel Food Catalogue and the suspension of Novel Food authorization procedures (after the publication of the statement of the European Food Safety Authority (EFSA)), there are cases of questioning the legality of selling foodstuffs with CBD in their composition.

A successful conclusion to this unclear situation may be contingent on applicants providing evidence of the safety of consuming CBD and completing one of the Novel Food procedures.

Hemp food can be placed on the market

After updating the Novel Food Catalogue, the history of consumption of not only hemp seed, defatted hemp seed, hemp seed oil, but also the water infusion of hemp leaves (without flowering and fruiting tops) consumed as such or as part of herbal infusions has been confirmed.

Foods with the above hemp ingredients can be legally marketed.

As a reminder, it is necessary to check the contamination limit for these ingredients with tetrahydrocannabinol (THC) - the maximum contamination levels are set by Commission Regulation (EU) 2023/915¹. Work is currently underway to define

limit for THC in water infusion of hemp leaves, which will result in an amendment to the Regulation.

CBD in cosmetics may be harmful?

Doubts about the use of CBD in cosmetic products have been raised by France. These concerns prompted a strong move on by the European Commission, which in June 2023 issued a request to stakeholders in the industry and scientific institutions to send data on the safety of pure CBD and extracts that may contain impurities such as THC².

Information based on scientific data, as well as suggested safe levels of CBD concentration and trace levels of THC or other cannabinoids present as impurities can be sent by 30th September 2024.

Based on the data received, an opinion on the safety of CBD in cosmetics will be developed, which will weigh in on the possibility of using the hemp ingredient.

CBD in animal products

The Catalogue of Feed Materials³ indicates that ingredients such as hemp seed, hemp expeller, hemp seed oil, hemp flour, hemp fibre can be used in animal feed - look in vain for information about CBD in it. The issue of CBD in animal products was addressed in 2023 Voivodship Administrative Court in Olsztyn⁴, whose opinion was that the indication of the CBD in the names of products, commonly identified with a medicinal substance, and thus medicinal properties, is an unauthorized claim that cannot be included on labels or in presentations of feed materials. We note that the packaging of the products questioned by the supervisors referred to CBD's properties that can be considered medicinal.

How can we help?

The situation regarding CBD is changing dynamically, in some cases for the better, while some doubts may bring negative consequences for the market. If you are planning to launch a product with hemp ingredients - feel free to contact us.

Contact us!



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¹ Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006

² https://single-market-economy.ec.europa.eu/consultations/call-data-ingredients-used-cosmetic-products-0_en

³ Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials

⁴ Judgment of the Voivodship Administrative Court in Olsztyn dated on 12th September 2023, II SA/OI 507/23.